

Asian American Commission I

1 SECTION 4. Section 68 of chapter 3 of the General Laws, inserted by section 3 of chapter 451 of
2 the acts of 2008, is hereby amended by striking out subsection (a) and inserting in place thereof the
3 following subsection:-

4 (a) There shall be a permanent commission on the status of citizens of Asian descent to consist of 21
5 persons as follows: 3 persons to be appointed by the governor, 3 persons to be appointed by the speaker of
6 the house of representatives, 3 persons to be appointed by the president of the senate, 3 persons to be
7 appointed by the state treasurer, 3 persons to be appointed by the state secretary, 3 persons to be appointed
8 by the attorney general and 3 persons appointed by the state auditor. Members of the commission shall be
9 citizens of the commonwealth who have demonstrated a commitment to the Asian-American
10 community. Members shall be subject to chapter 268A as they apply to special state employees.

Commission for the Deaf Emergency Interpreter Referral Fees

1 SECTION 5. The second paragraph of section 196 of chapter 6 of the General Laws, as appearing
2 in the 2006 Official Edition, is hereby amended by inserting after the second sentence the following
3 sentence:- The commission may charge a fee where so required by the commission's regulations for the
4 cost of maintaining an emergency referral service.

Shared Services for Executive Offices

1 SECTION 6. Chapter 6A of the General Laws is hereby amended by inserting after section 7 the
2 following section:-

3 Section 7A. Each secretary may, notwithstanding any general or special law to the contrary, identify
4 administrative processing activities and functions common to the state agencies within the executive office
5 and may designate such functions as core administrative processing functions. To improve administrative
6 efficiency and preserve fiscal resources, the secretary may direct that core administrative processing
7 functions be performed by the executive office or by one or more state agencies designated by the secretary
8 to perform those functions. Common activities and functions that may be designated as core administrative
9 processing functions include but are not limited to: human resource functions including payroll processing;
10 information technology services; leasing and facility management services; financial management services,
11 such as budgeting, procurement, contract management and accounts payable/receivable functions; and
12 other administrative processing functions. Upon designation of a function as a core administrative
13 processing function, the secretary may direct that employees of each state agency who perform those
14 functions be transferred to the executive office or to any state agency designated by the secretary to
15 perform core administrative processing functions. Nothing in this section shall waive the responsibility of
16 each agency head to certify obligations and expenditures for appropriations and other legally available
17 funds of the agency pursuant to section 3 of chapter 7A, the responsibilities of an agency head pursuant to
18 state finance law including but not limited to sections 19, 20, 24, 26 and 27 of chapter 29, and the
19 responsibility of an agency head to certify work by employees of the agency pursuant to section 31 of
20 chapter 29. An agency head shall not delegate agency head signature authorization to any individual who is
21 not an employee of the agency. The executive office or any state agencies designated to perform core
22 administrative processing functions may charge state agencies that receive such services for the reasonable
23 costs of providing the services thereto. Any employee transfers that occur in connection with the
24 consolidation of core administrative processing functions within the executive office or state agencies shall
25 not: (a) impair the civil service status of any such transferred employee who immediately before the
26 effective date of this act either holds a permanent appointment in a position classified under chapter 31 or

has tenure in a position by reason of section 9A of chapter 30; or (b) impair or change an employee's status, rights, or benefits under chapter 150E.

Statewide Contract Fee

SECTION 7. Subsection (a) of section 4A of chapter 7 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The operational services division may charge and collect from statewide contractors a statewide contract administrative fee, to be established by the executive office for administration and finance; provided, however, that such fee shall not exceed 1 per cent of the total value of a contract awarded to a statewide contractor.

OUI Surcharge

SECTION 8. Section 59 of chapter 10 of the General Laws, as so appearing, is hereby amended by inserting after the figure "90", in line 4, the following words:- and sections 8 and 26 of chapter 90B.

Gas and Utility Assessment Increase

SECTION 9. Section 11H of chapter 25A of the General Laws is hereby amended by striking out, in lines 21 and 23, as so appearing, the figure "0.75" and inserting in place thereof the following figure:- 3.75.

Capital Gains Revenue Holding Fund I

SECTION 10. Chapter 29 of the General Laws is hereby amended by inserting after section 2YYY, inserted by section 5 of chapter 304 of the acts of 2008, the following section:-

Section 2ZZZ. (a) There shall be established upon the books of the commonwealth a separate fund to be known as the Capital Gains Revenue Holding Fund, in this section called the fund. Upon the periodic certification by the commissioner of revenue during a fiscal year, as provided in section 5B, of the tax revenues estimated to be collected during the preceding interim period from capital gain income, the comptroller shall transfer from the General Fund to the fund the amount, if any, by which the commissioner's estimate exceeds the consensus tax revenue estimate from capital gain income determined under said section 5B and allocable to that interim period, but the transfer shall occur only if the total state tax revenues received as of the certification date equal or exceed the consensus tax revenue forecast determined under section 5B through that date. Upon any periodic certification by the commissioner of estimated tax revenue collected during the preceding interim period from capital gain income in an amount below the consensus tax revenue estimate from such income for the interim period, the comptroller shall transfer the difference in such amounts from the fund, to the extent of any balance in the fund, to the General Fund. Following the commissioner's certification of estimated tax revenues from capital gain income in the final interim period of a fiscal year and any associated transfers to or from the General Fund as provided in this section, the comptroller shall transfer any remaining balances in the fund to the Commonwealth Stabilization Fund established by section 2H.

(b) In fiscal year 2010 a transfer to the Commonwealth Stabilization Fund as provided in subsection (a) shall not occur until 1 percent of the remaining balance of the Capital Gains Revenue Holding Fund shall first be transferred to the State Retiree Benefits Trust Fund, established under section 24 of chapter 32A. The following portions shall not be deposited in the Commonwealth Stabilization Fund but rather shall be deposited in the State Retiree Benefits Trust Fund:

(i) for fiscal year 2010, 1 per cent of the remaining balance of the Capital Gains Revenue Holding Fund;

26 (ii) for fiscal year 2011, 2 per cent of the remaining balance of the Capital Gains Revenue Holding
27 Fund;

28 (iii) for fiscal year 2012, 3 per cent of the remaining balance of the Capital Gains Revenue
29 Holding Fund;

30 (iv) for fiscal year 2013, 4 per cent of the remaining balance of the Capital Gains Revenue
31 Holding Fund; and

32 (v) for fiscal year 2014, 5 per cent of the remaining balance of the Capital Gains Revenue Holding
33 Fund.

Capital Gains Revenue Holding Fund II

1 SECTION 11. Section 5B of said chapter 29 is hereby amended by striking out the last paragraph,
2 as appearing in the 2006 Official Edition, and inserting in place thereof the following paragraph:-

3 On or before January 15, the secretary of administration and finance shall meet with the house and
4 senate committees on ways and means and shall jointly develop a consensus tax revenue forecast for the
5 budget for the ensuing fiscal year which shall be agreed to by the secretary and those committees, except
6 that in the first year of the term of office of a governor who has not served in the preceding year, they shall
7 agree to the consensus tax revenue forecast not later than January 31. In developing the consensus tax
8 revenue forecast, the secretary and the committees, or subcommittees of the committees, may hold joint
9 hearings on the economy of the commonwealth and its impact on tax revenue forecasts. The consensus tax
10 revenue estimate shall be net of the amount necessary to transfer, from the General Fund to the
11 commonwealth's Pension Liability Fund, to fully fund the system according to the schedule established
12 pursuant to paragraph (1) of section 22C of chapter 32. The commissioner of revenue shall recommend and
13 the secretary and the committees shall agree upon a maximum amount of taxes to be included in the
14 consensus tax revenue estimate from capital gain income, as defined under chapter 62, taking into account
15 (1) the commissioner's projection of capital gains revenue for the fiscal year; (2) longer-term trends in
16 capital gain and loss realizations and revenue collections; and (3) principles of prudent budgeting necessary
17 to modulate year-to-year impact of this fluctuating revenue source. The department of revenue shall report
18 on or before January 31, May 31, June 30, and September 30 with respect to the estimated capital gains
19 revenue received through the end of the prior month but, in the case of the May 31 report, with respect to
20 estimated capital gains revenue received in the prior tax year, to the house and senate committees on ways
21 and means, the joint committee on revenue, the secretary and the comptroller. The consensus tax revenue
22 forecast, including the consensus tax revenue estimate from capital gain income as determined herein, shall
23 be included in a joint resolution and placed before the members of the general court for their consideration.
24 This joint resolution, if passed by both branches of the general court, shall establish the maximum amount
25 of tax revenue which may be considered for the general appropriation for the ensuing fiscal year

Revenue Carry Forward I

1 SECTION 12. Section 5C of said chapter 29 is hereby amended by striking out, in line 5, the
2 figure " $\frac{1}{2}$ ", as so appearing, and inserting in place thereof the following figure:- $\frac{1}{4}$.

Capital Gains Revenue Holding Fund III

1 SECTION 13. Section 5C of said chapter 29 is hereby amended by striking out the figure " $\frac{1}{2}$ ",
2 in line 7, as so appearing and inserting in place thereof the following words:- , if no transfer to the
3 Commonwealth Stabilization Fund has been made under section 2ZZZ for that fiscal year, $\frac{1}{2}$.

No Lobbyists for State Entities

1 SECTION 14. Chapter 29 of the General Laws is hereby amended by inserting after section 30
2 the following section:-

3 Section 30A. Except for its full-time employees, a state agency or state authority shall not use public
4 funds to pay for an executive agent or a legislative agent, as those terms are defined in section 39 of chapter
5 3, notwithstanding section 50 of said chapter 3.

Pension Funding Triennial Schedule

1 SECTION 15. Subdivision (1) of section 22C of chapter 32 of the General Laws, as appearing in
2 the 2006 Official Edition, is hereby amended by striking out the last paragraph and inserting in place
3 thereof the following paragraph:-

4 Notwithstanding any general or special law to the contrary, appropriations or transfers made to the
5 commonwealth's pension liability fund in fiscal years 2009 to 2011, inclusive, shall be made in accordance
6 with the following funding schedule: \$1,314,396,000 in fiscal year 2009, \$1,376,619,000 in fiscal year
7 2010 and \$1,441,811,000 in fiscal year 2011.

GIC Contributions I

1 SECTION 16. Section 8 of chapter 32A of the General Laws, as so appearing, is hereby amended
2 by striking out, in lines 5 and 11, the word "seventy-five" and inserting in place thereof, in each instance,
3 the following figure:- 70.

GIC Contributions II

1 SECTION 17. Said section 8 of said chapter 32A, as so appearing, is hereby further amended by
2 striking out, in lines 8, 31 and 37, the word "twenty-five" and inserting in the place thereof, in each
3 instance, the following figure:- 30.

ARRA Decoupling I

1 SECTION 18. Section 1 of chapter 62 of the General Laws, is hereby amended by inserting after
2 the figure "72" in line 8, as so appearing, the following word:- 139C.

ARRA Decoupling II

1 SECTION 19. Section 2 of said chapter 62 is hereby amended by inserting after the word "year.",
2 in line 330, as so appearing, the following subparagraph:-

3 (P) The deduction described in section 163(e)(5) of the Code, to the extent increased by amendments
4 to section 163(e)(5)(F) and section 163(i)(l) inserted by section 1232 of the American Recovery and
5 Reinvestment Act of 2009.

Transparency of Tax Credit Results I

1 SECTION 20. Section 1 of chapter 62C of the General Laws, as so appearing, is hereby amended
2 by inserting before the definition of "Building contractor" the following 2 definitions:-

3 "Administering agency head", the agency head responsible for administering the applicable state tax
4 credit program.

5 "Average salary", the total Massachusetts gross salary of a group of Massachusetts employees
6 divided by the number of Massachusetts employees in the group.

Transparency of Tax Credit Results II

1 SECTION 21. Said section 1 of said chapter 62C, as so appearing, is hereby further amended by
2 inserting after the definition of "Commissioner" the following definition:-

3 "Full-time employee", a person employed in the commonwealth for 35 hours or more per week.

Transparency of Tax Credit Results III

1 SECTION 22. Said section 1 of said chapter 62C, as so appearing, is hereby further amended by
2 inserting after the definition of "Materialman" the following definition:-

3 "Part-time employee", a person employed in the commonwealth for less than 35 hours per week.

Transparency of Tax Credit Results IV

1 SECTION 23. Said section 1 of said chapter 62C, as so appearing, is hereby further amended by
2 inserting after the definition of "Show" the following definition:-

3 "Tax credit program", one of the following credits against the state income tax to stimulate
4 economic development and other policy goals: the brownfields tax credit in section 38Q of chapter 63 and
5 subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in section 38Z of said chapter 63 and
6 subsection (o) of said section 6 of said chapter 62; the U.S.F.D.A. user fees credit in section 31M of said
7 chapter 63 and subsection (n) of said section 6 of said chapter 62; the film tax credit in subsection (b) of
8 section 38X of said chapter 63 and subsection (l) of said section 6 of said chapter 62; the historic
9 rehabilitation tax credit in section 38R of said chapter 63 and section 6J of said chapter 62; the life sciences
10 investment tax credit in section 38U of said chapter 63 and subsection (m) of said section 6 of said chapter
11 62; the low-income housing tax credit in section 31H of said chapter 63 and section 6I of said chapter 62;
12 the medical device tax credit in section 31L of said chapter 63 and section 6 1/2 of said chapter 62; and the
13 refundable research credit in subsection (j) of section 38M of said chapter 63.

Transparency of Tax Credit Results V

1 SECTION 24. Subsection (b) of section 21 of said chapter 62C, as amended by section 60 of
2 chapter 176 of the acts of 2008, is hereby further amended by adding the following clause:-

3 (24) the disclosure of information necessary to comply with the reporting requirements of section
4 88.

Transparency of Tax Credit Results VI

1 SECTION 25. Said chapter 62C is hereby further amended by adding the following section:-

2 Section 88. (a)(1) Annually, not later than March 1, the administering agency head of each tax credit
3 program shall submit a report to the commissioner on each tax credit program authorized for the previous
4 calendar year which shall be a public record.

5 (2) The report shall contain the following information:

6 (i) the identity of each taxpayer authorized by the administering agency head to receive a tax credit;

7 (ii) the amount of tax credit award and issued tax credit for each taxpayer and each project, if
8 applicable; and

9 (iii) the date of the tax credit award or issued tax credit for each taxpayer and each project.

10 (3) The report shall contain an analysis of the impact of the tax credit on preserving and promoting
11 the relevant industry in the commonwealth and employment in the relevant industry including, but not
12 limited to, an analysis of the relevant industry's output, where applicable, and employment retained or
13 increased in the relevant industry in the commonwealth for the calendar year, other benefits relevant to the
14 specific goals of the tax credit program and other information that the commissioner may require.

15 (4) The report shall additionally include the following information relevant to the following specific
16 tax credit programs:

17 (i) for the brownfields tax credit, an analysis of the impact of the brownfields tax credit program on
18 the cleanup and development of contaminated properties;

19 (ii) for the dairy farmer tax credit, an analysis of the impact of the dairy farmer tax credit on
20 preserving dairy farms and dairy farm employment including, but not limited to, an analysis of the dairy
21 product output and the number, size in acreage and location of dairy farms receiving a dairy farm credit;

22 (iii) for the U.S.F.D.A. user fees credit, life sciences investment tax credit and the refundable
23 research credit, an analysis of the impact of the program on preserving and increasing economic
24 development and infrastructure for the calendar year;

25 (iv) for the film tax credit, an analysis of the impact of the film tax credit program on preserving or
26 increasing film industry jobs and other benefits of the program;

27 (v) for the historic rehabilitation tax credit, an analysis of the impact of the program on preserving
28 historic structures and other benefits of the program including, but not limited to, the employment created
29 for the calendar year;

30 (vi) for the low-income housing tax credit, an analysis of the impact of the program on preserving or
31 increasing low-income housing and other benefits of the program, including but not limited to, the number
32 of low-income housing units placed in service for the calendar year; and

33 (vii) for the medical device tax credit, an analysis of the impact of the medical device tax credit
34 program on preserving or increasing medical device industry jobs and other benefits of the program.

35 (b)(1) Annually, not later than February 15, each taxpayer receiving an authorized tax credit from
36 the administering agency head in the previous calendar year shall submit a statement of jobs on a form

provided by the administering agency head to the administering agency head containing the following information:

(i) the number of full-time employees working for the taxpayer on the date the administering agency head authorized the tax credit;

(ii) the average salary of the full-time employees identified in clause (i) of paragraph (2) of subsection (a);

(iii) the number of part-time employees, identifying the part-time employees as either equal to or less than 20 hours per week employees or less than 35 hours but more than 20 hours per week employees, working for the taxpayer on the date the administering agency head authorized the tax credit and the number of part-time employees, identifying the part-time employees as either equal to or less than 20 hours per week employees or less than 35 hours but more than 20 hours per week employees, working for the taxpayer on December 31 of the calendar year in which the administering agency head authorized the tax credit related to the taxpayer's project identified in clause (ii) of paragraph (2) of subsection (a);

(iv) the average salary of the employees working equal to or less than 20 hours per week and the average salary of employees working less than 35 hours but more than 20 hours per week as identified in clause (iii);

(v) the number of full-time employees working for the taxpayer on the date the administering agency head authorized the tax credit and the number of full-time employees working for the taxpayer on December 31 of the calendar year in which the administering agency head authorized the tax credit;

(vi) the average salary of the full-time employees identified in clause (v);

(vii) the average salary of the employees working equal to or less than 20 hours per week and the average salary of the employees working less than 35 hours but more than 20 hours per week as identified in clause (iii); and

(viii) other information required by the administering agency head to assist the agency head in assessing the impact of the tax credit program on the commonwealth and employment in the relevant industry and otherwise in meeting the goals of the relevant tax credit program.

(2) Annually, not later than March 1, the administering agency head shall submit to the commissioner, on a form prescribed by the commissioner, copies of the taxpayer job statements required by paragraph (1), with the report required by subsection (a). The commissioner shall provide this information on a government internet website for public disclosure.

Capital Gains Revenue Holding Fund IV

SECTION 26. Section 6A of chapter 62F of the General Laws is hereby repealed.

ARRA Decoupling III

SECTION 27. Section 1 of chapter 63 of the General Laws is hereby amended by inserting after the word "commonwealth", in line 99, as so appearing, the following sentence:- Gross income shall be determined without regard to section 108(i) of the Code.

ARRA Decoupling IV

1 SECTION 28. The definition of “net income” in said section 1 of said chapter 63 of the General
2 Laws, as so appearing, is hereby amended by striking out clauses (d) and (e) and inserting in place thereof,
3 the following 3 clauses:-

4 (d) the deduction allowed by section 168 (k) of the code;

5 (e) the deduction allowed by section 199 of the code; or

6 (f) the deduction described in section 163(e)(5) of the Code, to the extent increased by
7 amendments to section 163(e)(5)(F) and section 163(i)(1) inserted by section 1232 of the American
8 Recovery and Reinvestment Act of 2009.

ARRA Decoupling V

1 SECTION 29. Paragraph 3 of section 30 of said chapter 63, as so appearing, is hereby amended
2 by inserting after the first sentence the following sentence:- Gross income shall be determined without
3 regard to section 180(i) of the Code.

ARRA Decoupling VI

1 SECTION 30. Paragraph 4 of said section 30 of said chapter 63, as so appearing, is hereby
2 amended by adding the following clause:-

3 (vii) the deduction described in section 163(e)(5) of the Code to the extent increased by
4 amendments to section 163(e)(5)(F) and section 163(i)(1) inserted by section 1232 of the American
5 Recovery and Reinvestment Act of 2009.

ARRA Decoupling VII

1 SECTION 31. Section 52A of said chapter 63, as so appearing, is hereby amended by inserting
2 after the word “exclusion”, in lines 27 and 28, the following words:- and without regard to section 108(i) of
3 the Code.

ARRA Decoupling VIII

1 SECTION 32. Paragraph (b) of subsection (1) of said section 52A of said chapter 63, as so
2 appearing, is hereby amended by striking out clauses (iv) and (v) and inserting in place thereof the
3 following 3 clauses:-

4 (iv) the deduction allowed by section 168 (k) of the code,

5 (v) the deduction allowed by section 199 of the code, and

6 (vi) the deduction described in section 163(e)(5) of the Code, to the extent increased by
7 amendments to section 163(e)(5)(F) and section 163(i)(1), inserted by section 1232 of the American
8 Recovery and Reinvestment Act of 2009.

SBA I

1 SECTION 33. Section 10 of chapter 70B of the General Laws, as so appearing, is hereby
2 amended by striking out, in line 3, the words “less than 40 per cent nor”.

SBA II

1 SECTION 34. Subsection (a) of said section 10 of said chapter 70B of the General Laws is hereby
2 further amended by striking out paragraph (C) and inserting in place thereof the following paragraph:-

3 (C) Incentive percentage points may be awarded by the authority. Incentive percentage points
4 granted, if any, shall be in the sole discretion of the authority. The authority may issue regulations
5 delineating the type and amounts of any such incentive percentage points; provided, however, that no
6 individual category of incentive points shall exceed 6 additional points. Such incentive points may be
7 awarded for a district’s use of efficient construction delivery methods; regionalization with other districts;
8 superior maintenance practices of a district; energy efficient and sustainable design and construction; major
9 renovation rather than building new construction; the use of model schools as adopted by the authority; and
10 other incentives as determined by the board of the authority in order to encourage the most cost-effective
11 and quality construction.

Recovery High School Reimbursement

1 SECTION 35. Chapter 71 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by adding the following section:-

3 Section 91. (a) “Recovery High School” shall mean a school for students diagnosed with
4 substance use disorder or dependency, as defined by the Diagnostic and Statistical Manual of Mental
5 Disorders IV-TR, that provides (i) a comprehensive 4-year high school education and (ii) a structured plan
6 of recovery.

7 (b) A school district shall transfer the average per-pupil state aid allotment it receives from the
8 commonwealth to a Massachusetts Recovery High School for any student meeting the following criteria: (i)
9 the student is currently, or was last enrolled, in the district; (ii) the student is considered clinically
10 appropriate by a clinician as defined by 105 CMR 164.006, using the criteria for Substance Use Disorders
11 as defined in the Diagnostic and Statistical Manual of Mental Disorders IV-TR; and (iii) the student meets
12 all matriculation criteria as outlined by their sending districts and the department of elementary and
13 secondary education, with determination of academic eligibility based on existing documentation provided
14 by such district. The district and the Recovery High School shall arrange to confer a diploma upon such
15 student’s successful completion of all state and district-mandated graduation requirements.

16 (c) The board of elementary and secondary education shall promulgate regulations, as necessary in
17 consultation with the department of public health and the department of mental health, to implement this
18 section.

Civil Infraction I

1 SECTION 36. Chapter 90 of the General Laws is hereby amended by inserting after section 21
2 the following section:-

3 Section 21½. (a) Notwithstanding section 20 or any other general or special law to the contrary,
4 whoever has not previously been found responsible of or convicted of, or against whom a finding of

5 delinquency or a finding of sufficient facts to support a conviction has not been rendered, on a complaint
6 charging a violation of the first paragraph of section 10 shall not be subject to arrest therefore and a
7 violation thereof shall be deemed a civil motor vehicle infraction.

8 (b) Notwithstanding section 20 or any other general or special law to the contrary, whoever has
9 not previously been found responsible of or convicted, of or against whom a finding of delinquency or a
10 finding of sufficient facts to support a conviction has not been rendered, on a complaint charging operating
11 a motor vehicle after his license to operate has been suspended or revoked, or after notice of the suspension
12 or revocation of his right to operate a motor vehicle without a license has been issued by the registrar and
13 received by such person or by his agent or employer, and prior to the restoration of such license or right to
14 operate or to the issuance to him of a new license to operate shall not be subject to arrest therefore and a
15 violation thereof shall be deemed a civil motor vehicle infraction.

Civil Infraction II

1 SECTION 37. Section 23 of said chapter 90, as appearing in the 2006 Official Edition, is hereby
2 amended by inserting after the first paragraph the following paragraph:-

3 Notwithstanding the preceding paragraph or any other general or special law to the contrary,
4 whoever has not been previously found responsible of or convicted of, or against whom a finding of
5 delinquency or a finding of sufficient facts to support a conviction has not been rendered on, a complaint
6 charging a violation of operating a motor vehicle after his license to operate has been suspended or
7 revoked, or after notice of the suspension or revocation of his right to operate a motor vehicle without a
8 license has been issued by the registrar and received by such person or by his agent or employer, and prior
9 to the restoration of such license or right to operate or to the issuance to him of a new license to operate
10 shall be assessed a civil fine of not more than \$500 and such violation shall be a deemed a civil motor
11 vehicle infraction. This paragraph shall not apply to any person who is charged with operating a motor
12 vehicle after his license to operate has been suspended or revoked pursuant to a violation of paragraph (a)
13 of subdivision (1) of section 24, or section 24D, 24E, 24G, 24L or 24N of this chapter, subsection (a) of
14 section 8 or section 8A or 8B of chapter 90B, section 8, 9 or 11 of chapter 90F or after notice of such
15 suspension or revocation of his right to operate a motor vehicle without a license has been issued and
16 received by such person or by his agent or employer, and prior to the restoration of such license or right to
17 operate or the issuance to him of a new license to operate because of any such violation.

RMV Services through Third Parties

1 SECTION 38. Said chapter 90 is hereby further amended by inserting after section 30A the
2 following section:-

3 Section 30A 1/2. Notwithstanding section 30A or any other general or special law to the contrary,
4 the registrar may, in the interest of seeking cost efficiencies, avoiding disruptions and continuing to provide
5 registry services, enter into agreements with third-party entities based in the commonwealth, to perform
6 functions on behalf of the registry of motor vehicles. The registrar shall enter into agreements only with an
7 existing entity that provides automobile-related services to the general public, or to its own members if an
8 automobile-related association, and that maintains business offices that are open to the public during hours
9 and at locations believed to be convenient for registry customers and in areas where a continuing need
10 exists to provide registry services.

11 The registrar may provide necessary inventories, equipment, electronic connections and training in
12 regard to such agreements to provide for the provision of registry-related services by the third party. The
13 registrar may help to defray the expenses of the third party as part of the agreement if necessary to provide
14 such services, but only if the overall effect of such agreement results in cost efficiencies to the registry. The
15 registrar shall not enter into an agreement that results in the loss of employment with the commonwealth of

any person who was performing services related to the agreement as a registry employee within the 30 days before the effective date of the agreement.

The registrar shall, on an annual basis or more frequently if required by the agreement, review the third party's most recent performance under the agreement and if the cost efficiencies and other purposes for which the agreement has been entered into are not being realized, the registrar may terminate the agreement and recover all inventories, equipment, monies due and other items provided to the third-party. An agreement may be amended from time to time.

All employees of a third party performing registry-related functions or having access to registry data or equipment shall be subject to all state and federal laws and regulations governing the protection of personal information. Fees collected by the third party on behalf of the registrar shall be deposited in the treasury of the commonwealth pursuant to section 34. An agreement shall ensure that the third party's performance of registry-related functions is subject to periodic audits by registry staff and the state auditor.

RMV Fees I

SECTION 39. Section 33 of said chapter 90, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words “, the fee for which is not otherwise provided for in any general or special law, the fee shall be \$36”.

RMV Fees II

SECTION 40. Said section 33 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 143, the words “, the fee shall be \$40”.

Civil Infraction III

SECTION 41. Section 34J of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, whoever violates this section and has not been previously determined responsible of or convicted therefore, or against whom a finding of delinquency or a finding of sufficient facts to support a conviction has not previously been rendered, on a complaint charging a violation of this section, shall be assessed a fine of not more than \$500 and such violation shall be deemed a civil motor vehicle infraction.

Boating OUI Surcharge

SECTION 42. Paragraph (4) of subsection (a) of section 8 of chapter 90B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

There shall be an assessment of \$250 against a person who is convicted of, placed on probation for, or otherwise pleads guilty to or admits to a finding of sufficient facts of operating a vessel while under the influence of intoxicating liquor or marijuana, narcotic drugs, depressant or stimulant substances or the vapors of glue; provided, however, that \$150 of the \$250 collected under this assessment shall be deposited by the court with the state treasurer into the Head Injury Treatment Services Trust Fund and the remaining amount of the assessment shall be credited to the General Fund. The assessment shall not be subject to reduction or waiver by the court for any reason.

Recreational Vehicle OUI Surcharge

1 SECTION 43. Section 34 of said chapter 90B, as so appearing, is hereby amended by adding the
2 following paragraph:-

3 There shall be an assessment of \$250 against a person who is convicted of, placed on probation for,
4 or granted a continuance without a finding for or otherwise pleads guilty to or admits to a finding of
5 sufficient facts of operating a snow vehicle or recreation vehicle while under the influence of intoxicating
6 liquor or narcotic drugs; provided, however, that \$150 of the \$250 collected under this assessment shall be
7 deposited by the court with the state treasurer into the Head Injury Treatment Services Trust Fund and the
8 remaining amount of the assessment shall be credited to the General Fund. The assessment shall not be
9 subject to reduction or waiver by the court for any reason.

Civil Infraction IV

1 SECTION 44. Section 1 of chapter 90C of the General Laws, as so appearing, is hereby amended
2 by striking out the definition of "Civil Motor Vehicle Infraction", and inserting in place thereof the
3 following definition:-

4 "Civil motor vehicle infraction", an automobile law violation for which the maximum penalty does
5 not provide for imprisonment except: (a) as provided in section 21½ and 34J of chapter 90; (b) a violation
6 of section 25 of chapter 90; and (c) any automobile law violation committed by a juvenile under the age of
7 17 who does not hold a valid operators license..

Trial Court Fee Increase I

1 SECTION 45. The first paragraph of paragraph (4) of subsection (A) of section 3 of chapter 90C
2 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- If a violator
3 requests a noncriminal hearing, he shall pay a fee of \$25 to the court prior to the commencement of the
4 hearing before the clerk magistrate.

Trial Court Fee Increase II

1 SECTION 46. Said section 3 of said chapter 90C, as so appearing, is hereby further amended by
2 striking out, in line 56, the figure "\$20" and inserting in place thereof the following figure:- \$50.

Non-payment for Health Care Associated Infections I

1 SECTION 47. The definition of "Facility" in subsection (a) of section 51H of chapter 111 of the
2 General Laws, inserted by section 9 of chapter 305 of the acts of 2008, is hereby amended by striking out
3 the figure "25" and inserting in place thereof the following figure:- 25B.

Non-payment for Health Care Associated Infections II

1 SECTION 48. Said section 51H of said chapter 111, as so inserted, is hereby further amended by
2 striking out subsection (d) and inserting in place thereof the following subsection:-
3 (d) The department shall adopt regulations prohibiting a health care facility from charging or seeking

4 reimbursement for services provided as a result of the occurrence of a health care-associated infection or
5 serious reportable event. A health care facility shall not charge or seek reimbursement for a health care-
6 associated infection or serious reportable event that the facility has determined, through a documented
7 review process and under regulations adopted by the department, was: (i) preventable; (ii) within its
8 control; and (iii) unambiguously the result of a system failure based on the health care provider's policies
9 and procedures.

Non-payment for Health Care Associated Infections III

1 SECTION 49. Section 51H of said chapter 111, as appearing in section 65 of chapter 451 of the
2 acts of 2008, is hereby amended by striking out subsection (d) and inserting in place thereof the following
3 subsection:-

4 (d) The department shall adopt regulations prohibiting a health care facility from charging or
5 seeking reimbursement for services provided as a result of the occurrence of a health care-associated
6 infection or serious reportable event. A health care facility shall not charge or seek reimbursement for a
7 health care-associated infection or serious reportable event that the facility has determined, through a
8 documented review process and under regulations adopted by the department, was: (i) preventable; (ii)
9 within its control; and (iii) unambiguously the result of a system failure based on the health care provider's
10 policies and procedures.

Division of Health Care Finance and Policy Insurer Confidentiality

1 SECTION 50. Section 6 of chapter 118G of the General Laws, as most recently amended by
2 section 23 of chapter 305 of the acts of 2008, is hereby further amended by adding the following
3 paragraph:-

4 Except as specifically provided otherwise by the division, insurer data collected by the division
5 under this section shall not be a public record under clause twenty-sixth of section 7 of chapter 4 or under
6 chapter 66.

Health Safety Net Third Party Liability

1 SECTION 51. Paragraph (2) of subsection (a) of section 39 of said chapter 118G, inserted by
2 section 15 of chapter 61 of the acts of 2007, is hereby amended by inserting after the first sentence the
3 following 2 sentences:- The office may recover from a third party that is financially responsible the costs
4 attributable to services provided to an individual that were paid by the fund. A payment from the fund for
5 such services shall be recoverable from the third party and the payment shall, after notice to the third party,
6 operate as a lien under section 22 of chapter 118E.

Early Intervention Insurance Cap I

1 SECTION 52. The third paragraph of section 47C of chapter 175 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by striking out the last sentence and inserting in
3 place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic
4 benefits package offered by the insurer or a third party.

Early Intervention Insurance Cap II

1 SECTION 53. The third paragraph of section 8B of chapter 176A of the General Laws, as so
2 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following

3 sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the
4 insurer or a third party.

Early Intervention Insurance Cap III

1 SECTION 54. The third paragraph of section 4C of chapter 176B of the General Laws, as so
2 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following
3 sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the
4 insurer or a third party.

Early Intervention Insurance Cap IV

1 SECTION 55. The second paragraph of section 4 of chapter 176G of the General Laws, as so
2 appearing, is hereby amended by striking the last sentence and inserting in place thereof the following
3 sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the
4 insurer or a third party.

Recovering Abandoned Property of Deceased MassHealth Members

1 SECTION 56. Section 10 of chapter 200A of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by adding the following subsection:

3 (j) Upon request by the executive office of health and human services but not more than once each
4 quarter, the state treasurer shall review information made available by the executive office to determine if a
5 person who has received medical assistance benefits under chapter 118E has an interest in property
6 reported to the state treasurer in accordance with this chapter and inform the executive office of his
7 findings. Notwithstanding any general or special law to the contrary, with respect to any person who has
8 been deceased for at least 3 years with no fiduciary appointed to administer the deceased person's estate,
9 and who is found to have property solely in the deceased person's name that would be subject to a claim by
10 the executive office under sections 31 and 32 of said chapter 118E, the executive office may present a
11 statement to the state treasurer of the amount due to the executive office, a copy of the death certificate for
12 the deceased person and other claims' documents that the treasurer's office may require. Upon that
13 presentment, the state treasurer shall release that property or the portion of the property necessary to satisfy
14 the claim by the executive office. Presentment under this subsection shall not take priority over any claim
15 of the department of revenue under subsection (i), or over any claim presented by a duly appointed estate
16 representative. If the state treasurer makes payment to the executive office under this subsection, he shall
17 be discharged from any obligation or liability arising from the payment. Information provided by the
18 executive office to the state treasurer under this subsection shall be used only for the purposes of this
19 subsection. If a fiduciary is appointed after the executive office has received payment of funds from the
20 state treasurer under this subsection and the fiduciary notifies the executive office of the appointment, the
21 executive office shall release to the fiduciary all of the funds received from the state treasurer. The
22 executive office may then present its claim for reimbursement under said section 32 of said chapter 118E.

CPCS Private Counsel Bill Submission

1 SECTION 57. Chapter 211D of the General Laws is hereby amended by striking out section 12,
2 as so appearing, and inserting in place thereof the following section:-

3 Section 12. The committee shall establish policies and procedures to provide fair compensation to
4 private counsel, which shall include a remedy for an attorney aggrieved by the amount of payment. The
5 committee shall also establish an audit and oversight department to monitor billing and private attorney
6 compensation. All invoices shall be processed for payment within 30 days of receipt by the chief counsel.

7 Bills shall be submitted to the committee within 30 days of the conclusion of a case or, if the case is
8 pending at the end of the fiscal year, within 30 days after the end of such fiscal year. The amount of
9 payment for invoices received by the chief counsel more than 30 days but less than 90 days after the final
10 disposition of the case or more than 30 days but less than 90 days after the end of the fiscal year shall be
11 reduced by 10 per cent. Bills submitted after such date need not be processed for payment within 30 days.
12 For all bills not submitted to the committee within 90 days after the conclusion of a case or, if the case is
13 pending at the end of the fiscal year, within 90 days after the end of the fiscal year, those bills so submitted
14 after that date shall not be processed for payment; provided, however, that the chief counsel may authorize
15 the payment of such bills either in whole or in part upon a determination that the delay was due to
16 extraordinary circumstances beyond the control of the attorney. The committee may further prescribe such
17 policies and procedures for payment as it deems appropriate; provided, however, that the committee may
18 impose interest and penalties, where appropriate, upon overpayment of the private attorney bills recovered
19 from private attorneys.

Court Ordered Transcriptions I

1 SECTION 58. Section 86 of chapter 221 of the General Laws, as so appearing, is hereby amended
2 by adding the following sentence:- Payment of transcription costs shall be made as provided in section 88.

Court Ordered Transcriptions II

1 SECTION 59. Section 88 of said chapter 221, as so appearing, is hereby amended by striking out,
2 in line 11, the words "commonwealth upon voucher approved by him," and inserting in place thereof the
3 following words:- administrative office of the trial court upon a voucher approved by the presiding judge.

Court Ordered Transcriptions III

1 SECTION 60. Said section 88 of said chapter 221, as so appearing, is hereby further amended by
2 adding the following sentence:-

3 If the presiding justice orders that a statement given to the police be transcribed, all parties shall
4 receive a copy, and payment therefore shall be at the same rate and made by the administrative office of the
5 trial court upon a voucher approved by the presiding judge.

Probate Court Fees

1 SECTION 61. Chapter 262 of the General Laws is hereby amended by striking out section 40, as
2 so appearing, and inserting in place thereof the following section:-

3 Section 40. The fees of registers of the probate and family court department of the trial court shall
4 be as follows:

5 for the entry of a complaint for divorce or for affirming or annulling marriage, except as provided
6 hereinafter for an action in equity, \$200;

7 for the entry of an action for separate support, \$100;

8 for the issuance of a contempt summons, \$5;

9 for the entry of a petition for the probate of a will, for administration of the estate of a deceased
10 intestate, for administration of goods not already administered, with the will annexed or otherwise, of a

petition under section 35 or 36 of chapter 209 by a husband or wife for authority to convey land as if sole, of a petition for partition, for change of name, for leave to carry on the business of the deceased and for the appointment of a special administrator, conservator, trustee, receiver of the estate of an absentee or a guardian, except when the petitioner certifies that the ward's estate does not exceed \$100, \$150;

for filing a representation of insolvency, \$150;

for the entry of a petition: for leave to lease real estate; for specific performance; for leave to mortgage real estate; in equity except, such as relates to separate support, adoption or the custody or support of minors; for release of dower or curtesy; for letters to a foreign guardian; petition for leave to compromise; and for leave to pay debts, except when the petitioner or accountant certifies that the estate does not exceed \$1,000 in value, \$75;

for the entry of a general petition except such as relates to adoption or custody or support of minors, \$150;

for the entry of a petition for removal of a fiduciary, \$100;

for the amendment of record except such as relates to separate support, adoption or the custody or support of minors, for discharge of surety, for care of burial lot and for erection of a monument, \$60 each;

for new bond and for new inventory, \$75 each;

for filing a statement of voluntary administration, \$100;

for the petition or application for allowance of an account where the gross value accounted for in Schedule A of the account is \$1,000 or less, no fee; where the gross value is more than \$1,000 but not more than \$10,000, \$75 a year; provided, however, that the fees shall not exceed \$170 regardless of the time covered by the account; where the gross value is more than \$10,000 but not more than \$100,000, \$100 for each year or major fraction thereof covered by the account; where the gross value is more than \$100,000 but not more than \$500,000, \$150 for each year or major fraction thereof covered by the account; where the gross value is more than \$500,000 but not more than \$1,000,000, \$200 for each year or major fraction thereof covered by the account; where the gross value is more than \$1,000,000, \$400 for each year or major fraction thereof covered by the account;

for the petition or application for sale of real or personal estate where the gross value accounted for is \$100,000 or less, \$100; where the gross value is more than \$100,000 but not more than \$250,000, \$250; where the gross value is more than \$250,000 but not more than \$500,000, \$500; where the gross value is more than \$500,000 but not more than \$1,000,000, \$750; where said gross value is over \$1,000,000, \$1000;

for filing a motion for change of name, \$100;

for filing a motion for the framing of jury issues, \$140;

for filing a will for safekeeping, \$75; provided, however, that no additional fee shall be charged for filing a will in substitution for a will previously filed and withdrawn;

for filing a bond, \$50;

for issuance of an injunction, \$150;

for issuance of a temporary restraining order, \$100;

for entry of an action for the modification of a decree, \$150;

50 for entry of an action for modification relative to child support, custody, and visitation, except for
51 those actions filed by the IV-D agency for which there is no filing fee, \$50;

52 for filing a complaint to modify a foreign custody or support decree pursuant to section 29 of
53 chapter 208, except for those complaints filed by the IV-D agency for which there is no filing fee, \$100;

54 for application of leave to deposit certain funds pursuant to section 27 of chapter 206, \$200; and

55 for filing a complaint to establish paternity or for custody-support-visitation, except for those
56 actions filed by the IV-D agency for which there is no filing fee, \$100;

57 Notwithstanding this section, no fee shall be charged for the issuance of a temporary restraining
58 order against a spouse related to a complaint for divorce or separate support.

Civil Infraction V

1 SECTION 62. Chapter 272 of the General Laws is hereby amended by striking out section 40, as so
2 appearing, and inserting in place thereof the following section:-

3 Section 40. Whoever willfully interrupts or disturbs a school assembly or other assembly of people
4 met for a lawful purpose shall be punished by imprisonment for not more than 1 month or by a fine of not
5 more than \$50; provided, however, that whoever, within 1 year after being twice convicted of a violation of
6 this section, again violates this section shall be punished by imprisonment for 30 days and such sentence
7 shall not be suspended; provided further, that a child between the age of 7 and 17 who willfully interrupts
8 or disturbs a school assembly shall be assessed a fine of not more than \$50. A disturbance of a school
9 assembly by a child between the ages of 7 and 17 shall be deemed a civil infraction.

Civil Infraction VI

1 SECTION 63. Chapter 272 of the General Laws is hereby amended by striking out section 53 and
2 inserting in place thereof the following section:-

3 Section 53. (a) Common night walkers, common street walkers, both male and female, persons who
4 with offensive and disorderly acts or language accost or annoy persons of the opposite sex, lewd, wanton
5 and lascivious persons in speech or behavior, keepers of noisy and disorderly houses, and persons guilty of
6 indecent exposure may be punished by imprisonment in a jail or house of correction for not more than 6
7 months, or by a fine of not more than \$200, or by both such fine and imprisonment.

8 (b) Disorderly persons and disturbers of the peace, for the first offense, may be subject to a civil fine
9 of \$150 and shall not be subject to apprehension pursuant to section 54 of this chapter. On a second or
10 subsequent offense, said person may be punished by imprisonment in a jail or house of correction for not
11 more than 6 months, or by a fine of not more than \$200, or by both such fine and imprisonment.

Trial Court Fee Increase III

1 SECTION 64. Section 87A of chapter 276 of the General Laws, as so appearing, is hereby
2 amended by striking out, in line 16, the figure "\$20" and inserting in place thereof the figure:- \$40.

SBA III

1 SECTION 65. Section 5 of chapter 210 of the acts of 2004 is hereby repealed.

Asian American Commission II

1 SECTION 66. Section 3 of chapter 258 of the acts of 2006 is hereby amended by adding the
2 following subsection:-

3 (g) The state auditor shall appoint, on or before October 1, 2009, 1 member for a term of 1 year, 1
4 member for a term of 2 years and 1 member for a term of 3 years.

Stabilization Fund Transfer

1 SECTION 67. Notwithstanding any general or special law to the contrary, the comptroller shall,
2 not later than June 30, 2010, transfer \$299,000,000 to the General Fund from the Commonwealth
3 Stabilization Fund, established by section 2H of chapter 29 of the General Laws, but the comptroller shall
4 instead transfer a lesser amount if the secretary of administration and finance so requests in writing.

Stabilization Fund Deposit Suspension

1 SECTION 68. Notwithstanding any general or special law to the contrary, during fiscal year 2010
2 the comptroller shall not transfer 0.5 per cent of the total revenue from taxes in the preceding fiscal year to
3 the Commonwealth Stabilization Fund, established in section 2H of chapter 29 of the General Laws, as
4 otherwise required pursuant to clause (a) of section 5C of said chapter 29.

Stabilization Fund Interest Transfer

1 SECTION 69. Notwithstanding any general or special law to the contrary, the state comptroller
2 shall, not later than June 30, 2010, transfer the interest earned from the Commonwealth Stabilization Fund
3 during fiscal year 2010 to the General Fund.

Funding Unfunded Liability for Retiree Healthcare

1 SECTION 70. Notwithstanding any general or special law to the contrary, the state comptroller
2 shall, according to a schedule developed in consultation with the state treasurer and the secretary for
3 administration and finance, transfer \$372,000,000 from the General Fund to the State Retiree Benefits Trust
4 Fund established in section 24 of chapter 32A of the General Laws.

Transfer to Massachusetts Life Sciences Fund

1 SECTION 71. (a) Notwithstanding any general or special law to the contrary, after complying
2 with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the
3 consolidated net surplus in the budgetary funds for fiscal year 2009 as follows: (i) the comptroller shall
4 transfer \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund
5 established in section 6 of chapter 23I of the General Laws; and (ii) the remaining balance shall be
6 transferred from the General Fund to the Stabilization Fund.

(b) All transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances; provided, however, that no such transfer shall cause a deficit in any of the funds.

Tourism Fund Formulas

SECTION 72. Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2010.

Continuation of Programs

SECTION 73. The following agencies or authorities which, as a result of the governor's actions to reduce allotments under section 9B of chapter 29 of the General Laws in fiscal year 2009, assumed or was assigned the responsibility for programs or other services which were otherwise funded in fiscal year 2009 general appropriation act or a supplementary appropriation act prior to the governor's actions to reduce allotments under said section 9B of said chapter 29, shall continue its contribution for said programs or services in fiscal year 2010:

- (a) the Massachusetts Housing Finance Authority, the Massachusetts rental voucher program; and subsidies for interest payments on affordable housing bonds;
- (b) the Massachusetts Development Finance Authority, the Chapter 43D Expedited Permitting grants and Small Business Technical Assistance Grants;
- (c) the Massachusetts Educational Finance Authority, the McNair Scholarship Program;
- (d) the Massachusetts Housing Partnership, the Soft Second Mortgage program; and the 40B Technical Assistance Program;
- (e) the Massachusetts Convention Center Authority, the Massachusetts Office of Travel and Tourism Marketing program;
- (f) the Massachusetts Health Insurance Connector Authority, the MassHealth Outreach Enrollment Grants;
- (g) the Massachusetts Health and Educational Facilities Authority, the MassHealth Outreach Enrollment Grants;
- (h) the Massachusetts Technology Collaborative, the Massachusetts International Trade Council Funding; and
- (i) the Massachusetts Port Authority, the Massachusetts International Trade Council Funding.

Transfers Among Trust Funds

SECTION 74. Notwithstanding any general or special law to the contrary, the comptroller shall transfer the following amounts to the General Fund after notice from the secretary of administration and finance that sufficient funds are available:

- (a) \$20,000,000 from the Massachusetts Alternative and Clean Energy Investment Trust Fund, established in section 35FF of chapter 10 of the General Laws;

(b) \$9,000,000 from the Workforce Competitiveness Trust Fund, established in section 2WWW of chapter 29 of the General Laws;

(c) \$7,000,000 from the Smart Growth Housing Trust Fund established in section 35AA of chapter 10 of the General Laws;

(d) \$5,000,000 from the Massachusetts Life Sciences Investment Fund, established in section 6 of chapter 23I of the General Laws;

(e) \$3,000,000 from the County Registers Technological Fund, established in section 2KKK of chapter 29 of the General Laws;

(f) \$3,000,000 from the Massachusetts Science, Technology Engineering, and Mathematics Grant Fund established in section 2MMM of chapter 29; and

(g) \$3,000,000 from the Commonwealth Covenant Fund established in section 35EE of chapter 10 of the General Laws.

Transfers under this section shall be made not later than June 30, 2010.

Nursing Home Assessment

SECTION 75. Notwithstanding any general or special law to the contrary, the nursing home assessment established in section 25 of chapter 118G of the General Laws shall be sufficient in the aggregate to generate \$220,000,000 in fiscal year 2010.

Transfers Among Health Care Funds

SECTION 76. (a) Notwithstanding any general or special law to the contrary, on or before October 1, 2009 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund, established pursuant to section 36 of chapter 118G of the General Laws and in this subsection referred to as the fund, the greater of \$45 million or one-twelfth of the total expenditures to hospitals and community health centers as required by subsection (b), for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2009. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the fund. The comptroller shall transfer from the fund to the General Fund not later than June 30, 2010, the amount of the transfer authorized by this subsection and any allocation thereof as certified by the director of the health safety net office.

(b) Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation with the state treasurer, the secretary of administration and finance and the secretary of health and human services, develop a schedule for transferring funds among the General Fund, the Commonwealth Care Trust Fund established pursuant to section 2000 of chapter 29 of the General Laws, and the Health Safety Net Trust Fund. Not less than \$557,455,535 shall be transferred from the General Fund to the Commonwealth Care Trust Fund. The hospital fiscal year 2010 payment amount to each hospital shall be funded by the Health Safety Net Trust Fund. Payments may be made either as safety net care payments under the commonwealth's 1115 waiver, or as an adjustment to Title XIX service rate payments, or a combination thereof. The executive office of health and human services and the health safety net office may use other federally permissible funding mechanisms available for public service hospitals, as defined in 114.1 CMR 36.02, to reimburse up to \$70,000,000 of uncompensated care at the hospitals using sources distinct from the funding made available to the Health Safety Net Trust Fund. The schedule shall provide for transfers in increments considered appropriate to meet the cash flow needs of these funds. The transfers shall not begin before July 1, 2009 and shall be completed on or before June 30, 2010. The secretary of administration and

25 finance, in consultation with the secretary of health and human services and the executive director of the
26 commonwealth health insurance connector, shall on a quarterly basis evaluate the revenue needs of the
27 health safety net program funded by the Health Safety Net Trust Fund and the Commonwealth Care
28 subsidized health insurance program funded from the Commonwealth Care Trust Fund, and if necessary,
29 transfer monies between these funds for the purpose of ensuring that sufficient revenues are available to
30 support projected program expenditures. The secretary of health and human services in consultation with
31 the secretary of administration and finance and the executive director of the commonwealth health
32 insurance connector, shall submit a quarterly report to the house and senate committees on ways and means
33 and joint committee on healthcare financing which shall include, but not be limited to, the projected and
34 actual expenditures and revenues for the Commonwealth Care Trust Fund and any transfers made between
35 the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund.

36 (c) Notwithstanding any general or special law to the contrary, the comptroller shall, in consultation
37 with the office of the state treasurer, the executive office of administration and finance and the executive
38 office of health and human services, develop a schedule and make a series of transfers not to exceed
39 \$399,000,000 from the General Fund to the MassHealth provider payment account in the Medical
40 Assistance Trust Fund, established pursuant to section 2QQQ of chapter 29 of the General Laws, if the
41 comptroller has determined that General Fund revenues are sufficient to accommodate the schedule of
42 transfers. These funds may be expended only for services provided during state or federal fiscal year 2010,
43 and no amounts previously or subsequently transferred into the Medical Assistance Trust Fund may be
44 expended on payments described in the 1115 demonstration waiver for services provided during state fiscal
45 year 2010 or payments described in the state plan for services provided during federal fiscal year 2010. All
46 payments from the Medical Assistance Trust Fund shall be subject to the availability of federal financial
47 participation, shall be made only in accordance with federally-approved payment methods, shall be
48 consistent with federal funding requirements and all federal payment limits as determined by the secretary
49 of health and human services, and shall be subject to the terms and conditions of an agreement with the
50 executive office of health and human services. Any increase in payment made from the trust fund totaling
51 an amount greater than \$251,000,000 in fiscal year 2010 shall be made only after the secretary of health
52 and human services certifies that any increase in payments from the trust fund shall not exceed the
53 negotiated limit for section 1115 waiver spending. The secretary of health and human services shall notify,
54 in writing, the house and senate committees on ways and means and the house and the joint committee on
55 healthcare financing for any increases in payments within 15 days. The secretary of the executive office of
56 health and human services shall make a payment of up to \$265,000,000 from the Medical Assistance Trust
57 Fund to the Cambridge public health commission for dates of service in state and federal fiscal year 2010
58 only after the Cambridge public health commission transfers up to \$106,000,000 of its funds to the Medical
59 Assistance Trust Fund, using a federally permissible source of funds which shall fully satisfy the non-
60 federal share of such payment. Notwithstanding any provision to the contrary, for state and federal fiscal
61 year 2010, such payment to the Cambridge public health commission from this fund may include an
62 amount up to \$20,000,000 for which no intergovernmental transfer is required, but for which federal
63 financial participation is otherwise available. This authorization shall expire on June 30, 2010.

Commonwealth Care Eligibility

1 SECTION 77. Notwithstanding any general or special law to the contrary, an eligible individual
2 pursuant to section 3 of chapter 118H of the General Laws shall not include persons who are not citizens of
3 the United States, including qualified aliens as defined by section 431 of the Personal Responsibility and
4 Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and persons permanently residing in
5 the United States under color of law, for fiscal year 2010.

Alternative Hospital Payment Demonstration Project

1 SECTION 78. Notwithstanding any general or special law to the contrary, the secretary of health
2 and human services may, consistent with federal law, pursue an alternative payment demonstration project
3 with 1 or more hospitals or hospital systems. For the purposes of this section, "alternative payment" shall

4 mean a methodology that establishes an aggregate prospective payment to cover the total cost of a defined
5 set of health care services provided by a hospital or hospital system, that creates incentives for such
6 providers to integrate services, manage costs and utilization and that ensures high-quality care. In
7 implementing any such alternative payment demonstration project, the secretary shall consider using
8 information systems to monitor performance of the hospital or hospital system and apply measures of cost
9 and quality.

Prescription Advantage

1 SECTION 79. Notwithstanding any general or special law to the contrary, and in order to
2 maintain the fiscal viability of the subsidized catastrophic prescription drug insurance program, hereinafter
3 referred to as the prescription advantage program, authorized by section 39 of chapter 19A of the General
4 Laws, cost-sharing required of enrollees in the form of co-payments, premiums and deductibles, or any
5 combination thereof, may be adjusted by the department of elder affairs to reflect price trends for outpatient
6 prescription drugs, as determined by the secretary of elder affairs. In addition to the eligibility requirements
7 set forth in said section 39 of said chapter 19A, to be considered eligible for the prescription advantage
8 program, individuals who receive Medicare and are applying for, or are then enrolled in, the prescription
9 advantage program shall also be enrolled in a Medicare prescription drug plan, a Medicare Advantage
10 prescription drug plan or in a plan which provides creditable prescription drug coverage as defined in
11 section 104 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, hereinafter
12 referred to as "MMA," and which provides coverage of the cost of prescription drugs actuarially equal to or
13 better than that provided by Medicare Part D, hereinafter referred to as a "creditable coverage" plan. In
14 addition to the eligibility requirements set forth in said section 39 of said chapter 19A, to be considered
15 eligible for the prescription advantage program, individuals who receive Medicare and are applying for or
16 are enrolled in the prescription advantage program shall apply for the low-income subsidy provided under
17 MMA Subpart P: Premium and Cost-Sharing Subsidies for Low-income Individuals, if such individuals
18 qualify for such subsidy. To the extent permitted by MMA, regulations promulgated thereunder, and all
19 other applicable federal law, the prescription advantage program may apply on behalf of a member for
20 enrollment into a Medicare prescription drug plan or for the low-income subsidy provided under MMA,
21 and may receive information about the member's eligibility and enrollment status necessary for the
22 operation of the prescription advantage program. For enrollees who qualify for enrollment in a Medicare
23 Part D plan, the prescription advantage program shall provide a supplemental source of financial assistance
24 for prescription drug costs, hereinafter referred to as "supplemental assistance," in lieu of the catastrophic
25 prescription drug coverage provided pursuant to said section 39 of said chapter 19A. The prescription
26 advantage program shall provide supplemental assistance to eligible individuals enrolled in a Medicare
27 prescription drug plan, Medicare Advantage prescription drug plan, or a plan offering creditable coverage,
28 and may do so to assist with premiums, deductibles, payments and/or co-payments that are required by
29 such plans. The department shall establish the amount of the supplemental assistance to be provided to
30 enrollees based on a sliding income scale and the coverage provided by the enrollees' Medicare prescription
31 drug plan, Medicare Advantage prescription drug plan or creditable coverage plan. In addition to the
32 eligibility requirements set forth in said section 39 of said chapter 19A, to be considered eligible for the
33 prescription advantage program, an individual shall have a household income of less than 500 per cent of
34 the poverty guidelines updated periodically in the Federal Register by the United States Department of
35 Health and Human Services pursuant to 42 U.S.C. 9902(2). Residents of the commonwealth who are not
36 eligible for Medicare shall continue to be eligible for the prescription advantage program pursuant to said
37 section 39 of said chapter 19A.

Municipal Revenue Growth Factor Waiver

1 SECTION 80. (a) Notwithstanding any general or special law to the contrary, upon the request of
2 the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, the
3 department of revenue may recalculate the minimum required local contribution, as defined in section 2 of
4 chapter 70 of the General Laws, in the fiscal year ending June 30, 2010. Based on the criteria established in
5 this section, the department shall recalculate the minimum required local contribution for a municipality's

6 local and regional schools and shall certify the amounts calculated to the department of elementary and
7 secondary education.

8 (b) A city or town that used qualifying revenue amounts in a fiscal year which will not be available
9 for use in the next fiscal year or that will be required to use revenues for extraordinary non school-related
10 expenses for which it did not have to use revenues in the preceding fiscal year, or that has an excessive
11 certified municipal revenue growth factor which is also greater than or equal to 1.5 times the state average
12 municipal revenue growth factor, may appeal to the department of revenue not later than October 1, 2009,
13 for an adjustment of its minimum required local contribution and net school spending.

14 (c) If a claim is determined to be valid, the department of revenue may reduce proportionately the
15 minimum required local contribution amount based on the amount of shortfall in revenue or based on the
16 amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the
17 minimum required local contribution on account of an extraordinary expense in the budget for the fiscal
18 year ending on June 30, 2010 shall affect the calculation of the minimum required local contribution in
19 subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary
20 amounts of free cash, overlay surplus and other available funds.

21 (d) If, upon submission of adequate documentation, the department of revenue determines that the
22 municipality's claim regarding an excessive municipal revenue growth factor is valid, the department shall
23 recalculate the municipal revenue growth factor and the department of elementary and secondary education
24 shall use the revised growth factor to calculate the preliminary local contribution, the minimum required
25 local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor.
26 Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent
27 reduction in the minimum required local contribution.

28 (e) The board of selectmen in a town, the city council in a plan E city, the mayor in any other city,
29 or a majority of the member municipalities of a regional school district, which used qualifying revenue
30 amounts in a fiscal year that will not be available for use in the next fiscal year, may appeal to the
31 department of revenue not later than October 1, 2009, for an adjustment to its net school spending
32 requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school
33 spending requirement based on the amount of the shortfall in revenue and reduce the minimum required
34 local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not
35 be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

36 (f) If the regional school budget has already been adopted by two-thirds of the member
37 municipalities then, upon a majority vote of the member municipalities, the regional school committee shall
38 adjust the assessments of the member municipalities in accordance with the reduction in minimum required
39 local contributions approved by the department of revenue or the department of elementary and secondary
40 education in accordance with this section.

41 (g) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any other
42 general or special law to the contrary, the amounts so determined pursuant to this section shall be the
43 minimum required local contribution described in chapter 70 of the General Laws. The department of
44 revenue and the department of elementary and secondary education shall notify the house and senate
45 committees on ways and means and the joint committee on education of the amount of any reduction in the
46 minimum required local contribution amount.

47 (h) If a city or town has an approved budget that exceeds the recalculated minimum required local
48 contribution and net school spending amounts for its local school system or its recalculated minimum
49 required local contribution to its regional school districts as provided by this section, the local appropriating
50 authority shall determine the extent to which the community shall avail itself of any relief authorized
51 pursuant to this section.

52 (i) The amount of financial assistance due from the commonwealth in fiscal year 2010 pursuant to
53 chapter 70 of the General Laws or any other law shall not be changed on account of any redetermination of
54 the minimum required local contribution pursuant to this section.

55 (j) The department of revenue and the department of elementary and secondary education shall
56 issue guidelines for their respective duties pursuant to this section.

Inspector General's Health Safety Net Audit Unit

1 SECTION 81. Notwithstanding any general or special law to the contrary, in hospital fiscal year
2 2010, the office of the inspector general may continue to expend funds from the Health Safety Net Trust
3 Fund for the costs associated with maintaining a pool audit unit within the office. The unit shall continue to
4 oversee and examine the practices in all hospitals including, but not limited to, the care of the uninsured
5 and the resulting free care charges. The inspector general shall submit a report to the house and senate
6 committees on ways and means on the results of the audits and any other completed analyses not later than
7 March 1, 2010. For the purposes of these audits, allowable free care services shall be defined pursuant to
8 chapter 118G of the General Laws and any regulations adopted thereunder.

UMass/EHS Interagency Service Agreements

1 SECTION 82. Notwithstanding any general or special law to the contrary, the executive office of
2 health and human services, acting in its capacity as the single state agency under Title XIX of the Social
3 Security Act and as the principal agency for all of the agencies within the executive office and other
4 federally-assisted programs administered by the executive office, may enter into interdepartmental services
5 agreements with the University of Massachusetts Medical School to perform activities that the secretary, in
6 consultation with the comptroller, determines are appropriate and within the scope of the proper
7 administration of Title XIX and other federal funding provisions to support the programs and activities of
8 the executive office. These activities may include: (1) providing administrative services including, but not
9 limited to, activities such as providing the medical expertise to support or administer utilization
10 management activities, determining eligibility based on disability, supporting case management activities
11 and similar initiatives; (2) providing consulting services related to quality assurance, program evaluation
12 and development, integrity and soundness and project management; and (3) providing activities and
13 services for the purpose of pursuing federal reimbursement or avoiding costs, third party liability and
14 recouping payments to third parties. Federal reimbursement for any expenditures made by the University of
15 Massachusetts Medical School relative to federally-reimbursable services the university provides under
16 these interdepartmental service agreements or other contracts with the executive office of health and human
17 services shall be distributed to the university and recorded distinctly in the state accounting system. The
18 secretary may negotiate contingency fees for activities and services related to the purpose of pursuing
19 federal reimbursement or avoiding costs and the comptroller shall certify these fees and pay them upon the
20 receipt of this revenue, reimbursement or demonstration of costs avoided. Contracts for contingency fees
21 shall not extend longer than 3 years and shall not be renewed without prior review and approval from the
22 executive office for administration and finance. The secretary shall not pay contingency fees in excess of
23 \$40,000,000 for state fiscal year 2010, but contingency fees paid to the University of Massachusetts
24 Medical School under the terms of any interagency service agreement for recoveries related to the special
25 disability workload projects shall be excluded from that \$40,000,000 limit for fiscal year 2010. The
26 secretary of health and human services shall submit to the secretary for administration and finance and the
27 senate and house committees on ways and means a quarterly report detailing the amounts of the
28 agreements, the ongoing and new projects undertaken by the university, the amounts spent on personnel
29 and the amount of federal reimbursement and recoupment payments that the university collected.

Trial Court Transferability

1 SECTION 83. Notwithstanding subclause (a) of clause (xxiii) of the third paragraph of section 9
2 of chapter 211B of the General Laws or any other general or special law to the contrary, the chief justice
3 for administration and management may, from the effective date of this act through April 30, 2010, transfer
4 funds from any item of appropriation within the trial court, except item 0339-1001, to any other item of
5 appropriation within the trial court, except said item 0339-1001. These transfers shall be made in
6 accordance with schedules submitted to the house and senate committees on ways and means. The schedule
7 shall include the following: (1) the amount of money transferred from 1 item of appropriation to another;
8 (2) the reason for the necessity of the transfer; and (3) the date on which the transfer is to be completed. A
9 transfer under this section shall not occur until 10 days after the revised funding schedules have been
10 submitted in writing to the house and senate committees on ways and means.

Temporarily Closing Court Divisions

1 SECTION 84. Notwithstanding section 4 of chapter 185C of the General Laws and sections 1 and
2 57 of chapter 218 of the General Laws or any other general or special law to the contrary, the chief justice
3 for administration and management may temporarily transfer the jurisdiction of a division of the district
4 court department, the juvenile court department or the housing court department to another division of that
5 department. Any permanent amendment to such jurisdiction shall require the amendment of the applicable
6 General Laws.

Special Education Tuition Rate Freeze

1 SECTION 85. Notwithstanding any general or special law to the contrary, the operational services
2 division, which, under section 22N of chapter 7 of the General Laws, is responsible for determining prices
3 for programs under chapter 71B of the General Laws, shall set those prices in fiscal year 2010 at the same
4 level calculated for fiscal year 2009, except the prices for those programs for extraordinary relief and
5 reconstruction, as defined in the division's regulations; provided, however, that programs for which prices
6 in fiscal year 2009 were lower than the full amount permitted by the division may charge in fiscal year
7 2009 the full price calculated for fiscal year 2010; provided further, that the operational services division
8 shall authorize a minimum price for the program to charge out-of-state purchasers; and provided further,
9 that upon request of a program, the division shall determine the minimum price for out-of-state purchasers
10 by identifying the most recent price calculated for the program and applying the estimated rates of inflation
11 which are established by December 1 of each year pursuant to said section 22N of said chapter 7 in a
12 compounded manner for each fiscal year following the most recent calculated price.

ARRA Decoupling IX

1 SECTION 86. Notwithstanding federal income tax treatment to the contrary, for purposes of
2 chapters 62 and 63 of the General Laws, the rules of section 382 of the Internal Revenue Code shall be
3 applied without regard to the treatment of a change in ownership of a bank or other corporation provided in
4 Internal Revenue Service Notice 2008-83 or in any federal statutory or administrative codification,
5 supplement, or implementation of such Notice. For purposes of said chapters 62 and 63, Internal Revenue
6 Service Notice 2008-83 and any such codification, supplement, or implementation shall have no force or
7 effect in any taxable year.

ARRA Decoupling X

1 SECTION 87. Notwithstanding federal income tax treatment to the contrary, for purposes of
2 chapters 62 and 63 of the General Laws, section 382(n) of the Internal Revenue Code, inserted by the
3 American Recovery and Reinvestment Act of 2009, shall have no force or effect in any taxable year.

Electricity Reliability on Cape Cod

1 SECTION 88. The department of public utilities shall, within 120 days after the effective date of
2 this act, complete a cost analysis report evaluating all technically-feasible supply and demand proposals
3 capable of ensuring electricity reliability on Cape Cod. The analysis shall include proposals which will
4 reduce or eliminate existing uplift charges imposed upon ratepayers in the Southeastern Massachusetts
5 Reliability Region as defined by ISO New England Inc. The report shall include, but not be limited to, a
6 cost comparison of any technically-feasible proposal including transmission improvements, demand-side
7 management programs, the health and environmental impacts of energy alternatives, repowering of existing
8 power generation units in the Southeastern Massachusetts Reliability Region or the development of new
9 peaking generation facilities.

SBA IV

1 SECTION 89. Notwithstanding any general or special law to the contrary, the commonwealth
2 hereby designates the Massachusetts School Building Authority, established pursuant to section 1A of
3 chapter 70B of the General Laws, to allocate to governmental issuers of bonds within the commonwealth,
4 pursuant to section 54F(d)(1) of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5,
5 including to said authority, the limitation amount allocated to the commonwealth by the United States
6 Department of the Treasury, but not including the amount allocated to large local educational agencies
7 pursuant to section 54F(d)(2) of said act except to the extent that any such large local educational agency
8 reallocates amounts to the commonwealth pursuant to said section 54F(d)(2), in which case such
9 reallocated amounts shall also be allocated by said authority.

Capital Gains Revenue Holding Fund V

1 SECTION 90. The commissioner of the department of revenue shall submit a report, no later than
2 August 1, 2010 to the secretary of administration and finance, the chairs of the joint committee on revenue
3 and the chairs of the house and senate committees on ways and means on the methods used and accuracy of
4 the capital gains forecast used for fiscal year 2010 and any recommendations relative to improving such
5 process for fiscal year 2011.

ARRA Decoupling XI

1 SECTION 91. Section 1 shall be effective for taxable years ending on or after January 1, 2009.

Revenue Carry-Forward II

1 SECTION 92. Section 12 shall take effect on June 30, 2010.

ARRA Decoupling XII

1 SECTION 93. Sections 19, 28, 30 and 32 shall apply to obligations issued after August 31, 2008
2 in taxable years ending after that date.

ARRA Decoupling XIII

1 SECTION 94. Sections 27, 29 and 31 shall be effective for discharges in taxable years ending
2 after December 31, 2008.

Non-payment for Health Care Associated Infections IV

1 SECTION 95. Section 49 shall take effect on October 1, 2012.

Effective Date

1 SECTION 96. Except as otherwise specified, this act shall take effect on July 1, 2009.